

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**KAMETRIC BURLEY, Individually and
on Behalf of All Others Similarly Situated**

PLAINTIFF

v.

No. 4:20-cv-226-DPM

**CENTRAL ARKANSAS AREA
AGENCY ON AGING, INC.**

DEFENDANT

ORDER

Burley worked for Central Arkansas Area Agency on Aging as a care coordinator from June 2017 to February 2020. Central Arkansas Area Agency on Aging offers numerous services to elderly Arkansawyers, including coordinating meals on wheels, assisting homebound individuals, and pairing clients with volunteer opportunities. Care coordinators assess whether applicants are a good fit for those services. Burley says she was paid hourly, worked more than forty hours a week, and was not paid any extra for her overtime work. Her job also involved driving her personal vehicle. She reports that she and other care coordinators were underpaid for work-related mileage, too. Burley moves to conditionally certify a collective action.

All material things considered, Burley has carried her burden for collective certification. She's met the lenient applicable standard of showing that the care coordinators are similarly situated to one

another. *Helmert v. Butterball, LLC*, 2009 WL 5066759, at *3 (E.D. Ark. 15 Dec. 2009). And she's made the modest factual showing—through her pleading, declaration, and deposition—that the same kind of alleged wage violations occurred to other care coordinators. *Garrison v. ConAgra Foods Packaged Food, LLC*, 2013 WL 1247649, at *2 (E.D. Ark. 27 Mar. 2013). All these employees had similar duties and were subject to uniform pay policies. We'll see in due course whether there's enough interest to justify continuing with a collective action. Central Arkansas Area Agency on Aging only employs around ten care coordinators at any given time; and the two opt-in plaintiffs have both withdrawn. But, for now, the Court conditionally certifies this collective:

All hourly care coordinators who recorded at least 40 hours of work in any week since 2 March 2017.

Please change the proposed notice and consent forms to reflect the modified group definition. Notice to group members by either U.S. mail or email (at group counsel's election) is fine. One follow-up by postcard is fine, too. When sending notice, do not enclose the pleadings. Central Arkansas Area Agency on Aging must provide the requested contact information by 19 March 2021. The opt-in period will close on 11 May 2021. The Court otherwise overrules Central Arkansas Area Agency on Aging's objections.

The Court notes the other depositions and recent motion for summary judgment. All merits issues are reserved pending full briefing and a ruling on that motion.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

12 March 2021